

Housing Element

Fair Share Plan

CITY OF BURLINGTON,
BURLINGTON COUNTY

December 17, 2008



A handwritten signature in black ink, appearing to read "Megan York", written over a horizontal line.

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Foreword

According to the New Jersey Municipal Land Use Law, 40:55D-28b(3)), a municipal Master Plan must contain a Housing Element. Pursuant to Section C. 52:27D-310 a municipal housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs with particular attention to low and moderate income housing. This report includes the City's third round housing obligation (2004 to 2018) pursuant to Chapter 97, "Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning December 20, 2004." A calculation of the currently projected third round obligation and a Fair Share Compliance Plan to meet that obligation are included.

The City of Burlington previously submitted a Round III Housing Element and Fair Share Plan in December 2005 in accordance with the November 2004 COAH adopted Third Round Rules (Chapter 5:94). The City of Burlington has revised its plan and is petitioning COAH again because portions of these COAH rules were overturned in 2007. This new plan meets the revised COAH rules which became effective June 2, 2008 and amendments to those rules which became effective in October 2008. In addition, they also conform to new housing legislation signed by the Governor on July 17, 2008.

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Introduction

In 1975 the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate-income housing. In its 1983 Mt. Laurel II decision the Court expanded the Mt. Laurel doctrine and stated that all municipalities share in the obligation. In July 1985 the Fair Housing Act (FHA) was enacted as the legislative response to the Supreme Court rulings. The Act created the Council on Affordable Housing as the administrative alternative to the courts.

The FHA directs the New Jersey Council on Affordable Housing (COAH) to provide regulations that allow municipalities to prepare comprehensive responses which will provide a realistic opportunity for the provision of affordable housing through municipal land use regulation. COAH's primary responsibilities are:

- Establish Housing Regions for the State;
- Estimate regional housing need; and
- Provide guidelines for municipalities to use in addressing their fair share obligations.

Municipal responsibilities under the Fair Housing Act consist of adopting and filing with COAH a Housing Element, prepared according to COAH's criteria and guidelines. According to the New Jersey Municipal Land Use Law, C.52:27D-310, the Housing Element shall contain at least:

1. The inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six years subsequent to the adoption of the Housing Element, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;
6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

This Housing Element meets all of above requirements as specified in the latest addition of the Municipal Land Use Law, dated February 2008. This plan meets the guidelines of the revised COAH Round III rules and recently adopted State legislation.

I. Background Information

Burlington City consists of a land area of 3.7 square miles, of which three miles is land. The City is surrounded on three sides by Burlington Township, the Delaware River to its north, and is connected to Pennsylvania via the Burlington-Bristol Bridge. In 2000, the City population was estimated to be 9,485 people, and had a population density of approximately 3,245 people per square mile—an indicator that the City might be suffering from a high population density within its 3-mile boundary. It must also be noted that the City is an Abbot District, which means the City has a significant population that is categorized as having a low-socio economic status, and where there is a large percentage of disadvantaged students who require education beyond the normal parameters.

With the exception of local redevelopment opportunities in older historical neighborhoods, Burlington City is fully built out. It also faces significant issues to redevelop its existing business and transportation corridors and other infrastructure.

Burlington's waterfront park is the result of urban renewal and flood control projects in the late 1960s and 1970s. The shoreline improvements -- revetments, walkways, etc. -- span the entire Delaware riverfront from the Burlington-Bristol Bridge to the Assiscunk Creek. The former waterfront industries, ferry terminals and docks have all been demolished and replaced by an open, grassy park and a tree-lined waterfront esplanade

HOUSING CHARACTERISTICS

Age of Housing

Burlington City has a substantial amount of older housing stock built prior to 1940 (1,026 units or 24.5%). In fact, the median age of housing units in the City is 60-years-old, which is 30 years older than Burlington Township's median and 18 years older than Edgewater Park.

Table 1: Age of Housing				
	Burlington City	Burlington Township	Edgewater Park	Burlington County
Total Housing Units:	4181	7,112	3,301	161,311
Built 1999 to March 2000	39	387	9	4,004
Built 1995 to 1998	61	1,414	153	10,425
Built 1990 to 1994	88	992	61	12,138
Built 1980 to 1989	142	353	107	25,620
Built 1970 to 1979	159	311	854	32,103
Built 1960 to 1969	191	779	1,073	28,884
Built 1950 to 1959	571	724	605	21,774
Built 1940 to 1949	285	212	108	7,282
Built 1939 or earlier	1,026	315	331	19,081
Median year structure built	1948	1978	1966	1971
<i>Source: 2000 U.S. Census, Tables H34 and H35</i>				

Condition of Housing

Burlington City far outpaces neighboring communities and the County in the percentage of housing stock that lack complete plumbing and kitchen facilities by more than one percentage point. It must be noted that nearly 25% of the City's housing stock was built prior to 1940, and these homes may have more deficiencies than units built at a later date. There is a large disparity between the City and neighboring Edgewater Park in both categories. While Burlington City reports 2.2% of units lack complete plumbing facilities and 1.46% lack complete kitchen facilities, Edgewater Park reports all of its units have both complete plumbing and kitchen facilities. In addition, the City also surpasses comparable municipalities and the County for residents living in overcrowded units—in some instances by more than one percentage point. Overcrowding is defined by the U.S. Department of Housing and Urban Development as any unit with more than one person living per room.

Table 2: Condition of Housing

	Burlington City	Burlington Township	Edgewater Park	Burlington County
Total housing units	4,181	7,348	3,301	161,311
Lacking complete plumbing facilities	92	16	0	623
% Lacking complete plumbing facilities	2.2%	0.22%	0%	0.39%
Lacking complete kitchen facilities	61	46	0	657
% Lacking complete kitchen facilities	1.46%	0.63%	0%	0.41%
Crowded, Built Pre 1950	59	34	16	547
% Crowded, Built Pre 1950	1.41%	0.46%	0.48%	0.34%

Source: 2000 U.S. Census, Tables H47, H49, and H50

Purchase or Rental Value of Housing

The median value of Burlington City's homes is below \$100,000, and is significantly lower, a \$36,000 difference, than the County's median value of \$134,000. The City also ranks last when compared to neighboring communities and the County in the median contract rent that is paid by residents. These factors indicate that Burlington City appears to have a distressed housing market where the values of its homes and rents are significantly lower when compared to neighboring communities. It is also one of three communities in Burlington County to be eligible for the Department of Community Affairs' Neighborhood Stabilization Program grant funds, which indicates that the City is also facing a significant foreclosure issue.

Table 3: Purchase and Rental Value of Housing

	Burlington City	Burlington Township	Edgewater Park	Burlington County
Median contract rent	\$525	\$550	\$600	\$672
Median value	\$98,000	\$149,800	\$114,600	\$134,000

Source: 2000 U.S. Census, Tables H56, and H85

Occupancy Characteristics

In 2000, the vacancy rate in Burlington City is more than double that of neighboring Burlington Township and far outpaces Edgewater Park and Burlington County by more than two percentage points. Burlington City had more "for sale only" (approximately 3%) units when compared to all three entities that had under 2% of its "for sale" units vacant.

Table 4: Occupancy Characteristics of Housing

	Burlington City	Burlington Township	Edgewater Park	Burlington County
Total Housing Units	4,181	7,348	3,301	161,311
Occupied	3,898	7,112	3,152	154,371
Vacant	283	236	149	6,940
% vacant	6.77%	3.21%	4.51%	4.30%
For rent	95	99	54	2,226
For sale only	119	76	50	2,230
Rented or sold, not occupied	25	17	0	708
For seasonal, recreational, or occasional use	12	6	0	595
For migrant workers	0	0	0	0
Other vacant	32	38	45	1,181

Source: 2000 U.S. Census, Tables H6 and H8

Housing Type

Burlington City's owner-occupied units with selected conditions are comparable to neighboring communities and the County. The table also shows units with "selected conditions," defined by the U.S. Census as units as having at least one of the following conditions: (1) lacking complete plumbing facilities, (2) lacking complete kitchen facilities, (3) with 1.01 or more occupants per room, (4) selected monthly owner costs as a percentage of household income in 1999 greater than 30 percent, and (5) gross rent as a percentage of household income in 1999 greater than 30 percent. These figures indicate that approximately 23 % of Burlington City's owner occupied housing and more than 42% of the renter occupied housing have one or more of these selected conditions.

Table 5: Housing Tenancy & "Special Conditions"

	Burlington City	Burlington Township	Edgewater Park	Burlington County
Total units:	3,898	7,112	3,152	154,371
Owner occupied:	2,564	5,490	2,033	119,500
% Owner occupied	65.73%	77.19%	64.5%	77.41%
Owner occupied with one or more selected condition	591	1,422	543	30150
% of Owner occupied units with selected condition	23.06%	25.9%	26.71%	25.23%
Renter occupied:	1,334	1,622	1,119	34,871
% Renter occupied	34.27%	22.8%	35.5%	22.59%
Renter with one or more selected condition	567	720	464	12710
% of rental units with selected conditions	42.44%	44.39%	41.47%	36.45%
<i>Source: 2000 U.S. Census, Tables HCT28</i>				

Housing Units

Less than 50% of housing units in Burlington City are detached units. This is less than the neighboring communities of Burlington Township and Edgewater Park as well as the County. The City also has a higher proportion of attached units (1,215) than its two border municipalities—both report under 1,000 units.

Table 6: Units in Structure

	Burlington City	Burlington Township	Edgewater Park	Burlington County
Total Housing Units:	4,181	7,348	3,301	161,311
1, detached	2,019	4,986	1,679	104,299
1, attached	1,215	578	225	22,090
2	266	133	86	3,783
3 or 4	246	281	412	6,374
5 to 9	147	188	396	8,196
10 to 19	92	644	297	7,251
20 to 49	44	211	47	2,999
50 or more	152	327	153	3,810
Mobile home	0	0	6	2,477
Boat, RV, van, etc.	0	0	0	32
% 1, detached	48.29%	67.86%	50.86%	64.66%

Source: 2000 U.S. Census, Tables H 30

Existing Units in Burlington City's Affordable to Low-and-Moderate Income Households

In order to determine the number of existing housing units that are and are not affordable to low- and moderate-income households, the City will utilize COAH and Federal housing definitions of housing affordability as well as 2000 Census data in an attempt quantify this estimate.

These agencies use a threshold to define affordability based on housing expense as a percentage of monthly income for households receiving between 0% and 80% of Median Family Income (MFI). In general, households paying more than 30% of monthly income on housing expense are considered cost burdened. For renters, housing costs include rent plus utilities paid by the tenant. For owners, housing costs include the mortgage payment, property taxes, insurance, condominium or homeowner association fees and utilities.

Using 2000 Census data, the U. S. Department of Housing and Urban Development (HUD) has prepared a "Comprehensive Housing Affordability Strategy (CHAS)" study for communities which receive Federal housing funds. As a participant in the HUD-funded State Small Cities CDBG Program, this data is available for Burlington City. The data is summarized in the following table and is broken out by tenure type, household type (i.e., elderly, small family, large family, and other household), and by income category.

Table 7: CHAS Affordability Data for Burlington City

	Renters					Owners				
	Elderly	Small Related	Large Related	All	Total	Elderly	Small Related	Large Related	All	Total
	(1 & 2 members) (A)	(2 to 4 members) (B)	(5 or more members) (C)	Other (D)	Renters (E)	(1 & 2 members) (F)	(2 to 4 members) (G)	(5 or more members) (H)	Other (I)	Owners (J)
Household by Type, Income, & Housing Problem										Households (K)
Household Income ≤ 50% MFI	193	175	58	117	543	296	81	29	19	425
Household Income ≤ 30% MFI	119	78	29	73	299	123	8	10	15	156
% with any housing problems										
% Cost Burden > 30%	74.8	87.2	100.0	94.5	85.3	96.7	100.0	100.0	0.0	87.8
% Cost Burden > 50%	45.4	56.4	86.2	89.0	62.9	35.8	50.0	100.0	0.0	37.2
Household Income > 30 to ≤ 50% MFI	74	97	29	44	244	173	73	19	4	269
% with any housing problems										
% Cost Burden > 30%	20.3	84.5	100.0	65.9	63.5	48.0	74.0	100.0	0.0	58.0
% Cost Burden > 50%	0.0	14.4	0.0	9.1	7.4	11.0	54.8	0.0	0.0	21.9
Source:	CHAS Data Book, 2000									

According to the 2000 Census there are 4,181 housing units in Burlington City. Based on data from the CHAS table there is a high percentage of households earning in the 30% to 50% of MFI income that are considered to be cost burden. Following observations include:

- 84.5% of 97 small related renter households in the 30% to 50% MFI income category are experiencing housing problems; of this figure, 80.4% have a cost burden greater than 30% of their incomes; while 14.4% has a cost burden greater than 50% of their incomes;
- 48% of 173 elderly owner-occupied housing in the 30% to 50% MFI category are experiencing housing problems; of this figure, 48% have a cost burden greater than 30% of their income; while 11% have a cost burden greater than 50%;
- 74% of 73 small related owner-occupied households in the 30% to 50% MFI category are experiencing housing problems; of this figure, 74% have a cost burden greater than 30%; while 54% have a cost burden greater than 50%.

DEMOGRAPHIC CHARACTERISTICS

Population Trends

Burlington City has seen a decline in its population between 1980 and 2000, and has lost an estimated 510 residents in the 20 year time period. Only Edgewater Park outpaces the City in population loss by more than 10 percentage points.

Table 8: Population Growth, 1980-2000				
	Burlington City	Burlington Township	Edgewater Park	Burlington County
1980	10,246	11,527	9,273	362,542
1990	9,835	12,454	8,388	395,066
2000	9,736	20,294	7,864	423,394
% Growth (1980-2000)	-4.98%	84.73%	-15.19%	16.7%
<i>Source: 2000 U.S. Census, Tables P 1, 1990 U.S. Census P001</i>				

Household Size and Type

The average household size in Burlington City is 2.48 persons, which is less than Burlington Township, Edgewater Park and Burlington County. The City's average for renter occupied units, however, exceeded that of the comparable municipalities and the County. The City also had fewer households (34%) that were identified as married couple family when compared to neighboring municipalities and the County.

Table 9: Household Size & Type

	Burlington City	Burlington Township	Edgewater Park	Burlington County
Average household size--All Units	2.48	2.72	2.49	2.65
Average household size – Owner occupied	2.54	2.90	2.61	2.77
Average household size – Renter occupied	2.35	2.09	2.28	2.24
Total households	3,898	7,112	3,152	154,371
Family households	1,822	4,487	1,452	111,581
% Family households	46.74%	63.09%	46.07%	72.28%
Married-couple family	1,336	3,823	1,190	89,052
% married couple family	34.27%	53.75%	37.75%	57.69%
Male householder, no wife present	120	192	61	5,744
Female householder, no husband present	366	472	201	16,785
Nonfamily households	742	999	581	3,292

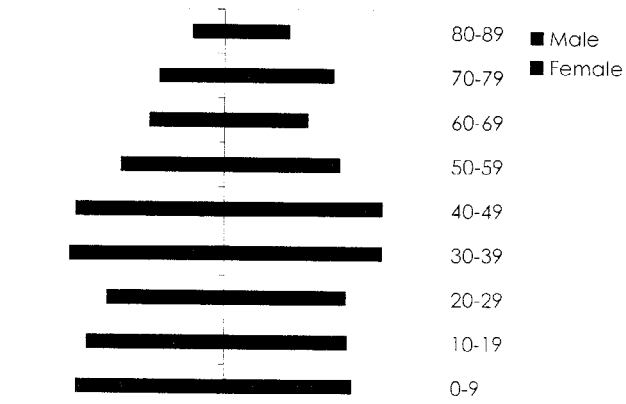
Source: 2000 U.S. Census, Tables H17

Age Characteristics

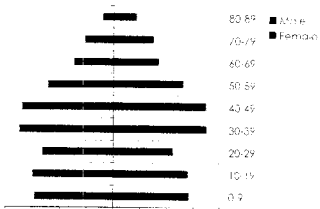
The age-sex distribution of the population in Burlington City as well as Burlington County and New Jersey is shown in the population pyramids in the following figure. The population profile does not differ significantly from the County profile, although the Burlington City has a slightly older median age of 38.1 years relative to Burlington County (37.1 years). The Burlington City's average age for males were 36-years-old compared to the average female age of 40. In addition, women made up approximately 53% of the City's population.

Figure 1: Age Distribution

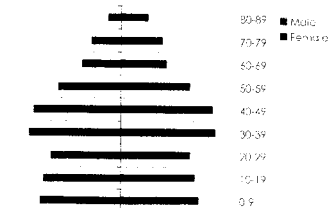
Burlington City Age Distribution



Burlington County Age Distribution



New Jersey Age Distribution



Source: 2000 U.S. Census, Table P12

Table 11: Median Age

	Burlington City	Burlington Township	Edgewater Park	Burlington County
Both sexes	38.1	35.6	37.9	37.1
Male	36.0	35.2	36.8	35.8
Female	40.0	36.1	39.0	38.4

Source: 2000 U.S. Census, Table P13

Income Level

The 1999 median income indicates that Burlington City residents are less affluent than neighboring municipalities. The City's median household income was a reported \$43,115, which is more than \$15,000 below the County's median household income, and more than \$18,000 less than Burlington Township.

Table 12: Median Income

	Burlington City	Burlington Township	Edgewater Park	Burlington County
Median household income in 1999	\$43,115	\$61,663	\$48,936	\$58,608

Source: 2000 U.S. Census, Table P53

The 1999 income statistics indicate that incomes in Burlington City are not consistent with Burlington County. In fact, Burlington City has more residents in lower income brackets (between \$10,000 and \$34,999) than the County. Most notable is Burlington City has nearly 8% of its household that makes less than \$10,000 compared to approximately 4% of the County population in the same bracket. While the amount of residents placed in higher income brackets decrease for both the City and the County, Burlington City percentage total is more than doubled that of Burlington County.

Table 13: Household Income by Brackets, 1999

	Burlington City		Burlington County
	Number of Households	% of Total	% of Total
Less than \$10,000	293	7.53%	3.9%
10,000 - 14,999	251	6.45%	3.4%
15,000 - 24,999	497	12.77%	8.2%
25,000 - 34,999	492	12.64%	10.2%
35,000 - 49,999	764	19.64%	15.4%
50,000 - 74,999	787	20.23%	23.2%
75,000 - 99,999	503	12.93%	15.5%
100,000 - 149,999	239	6.14%	13.7%
150,000 +	65	1.68%	6.4%

Source: U.S. Census Bureau, Table P 52

The COAH regulations define low (those earning up to 50% of the median household income) and moderate-income households (those earning from more than 50% to 80% of the median household income). The figures are adjusted for household size and the municipality's housing region. Burlington City is part of Region Five, which includes Burlington, Camden and Gloucester Counties. Below is a breakdown of the maximum 2008 income figures by household size that COAH uses to determine affordability for the region.

Table 14: COAH 2008 Regional Income Limits (Region 5)

Income	Family Size									
	1	1.5	2	3	4	4.5	5	6	7	8
Median	\$52,010	\$55,725	\$59,440	\$66,870	\$74,300	\$77,272	\$80,244	\$86,188	\$92,132	\$98,076
Moderate	\$44,608	\$44,580	\$47,552	\$53,496	\$59,440	\$61,818	\$64,195	\$68,950	\$73,706	\$78,461
Low	\$26,005	\$27,863	\$29,720	\$33,435	\$37,150	\$38,636	\$40,122	\$43,094	\$46,066	\$49,038
Very Low	\$15,603	\$16,718	\$17,832	\$20,061	\$22,290	\$23,182	\$24,073	\$25,856	\$27,640	\$29,423

Source: COAH, 2008

Employment Status of Residents

Burlington City had a smaller percentage of residents who worked 35 hours or more 1999 (54.4%), compared to the County and neighboring municipalities. The City appears to be comparable to neighboring municipalities and the County for the percentage of population that did not work in the same time period.

Table 15: Employment Status				
	Burlington City	Burlington Township	Edgewater Park	Burlington County
Usually worked 35 or more hours per week	4,345	9,435	3,811	192,981
% of the population that worked 35 or more hours per week	54.41%	61.81%	60.89%	58.7%
Usually worked 34 hours or less hours per week	980	1,807	955	47,093
Did not work in 1999	2,378	4,023	1,493	88,833
% of the population that did not work in 1999	22.55%	19.15%	23.86%	27.0%
<i>Source: 2000 U. S. Census</i>				

ECONOMIC CHARACTERISTICS

The wholesale and retail trade is the major sector in Burlington City where 30% of jobs are held, followed by the services sector (15.7%). Like neighboring municipalities, agriculture, forestry, fisheries and mining reports no employment in the area.

Table 16: Percent Distribution of Employment by Industry, 2000

Sector	Burlington City		Burlington Township	Edgewater Park
	Jobs	%	%	%
1 - Agriculture, Forestry, Fisheries, & Mining	0	0%	0%	0%
2 - Construction	28	9.36%	9.25%	12.37%
3 - Manufacturing	20	6.69%	7.71%	5.19%
4 - Transportation, Warehousing & Utilities	7	2.34%	2.42%	3.25%
5 - Wholesale & Retail Trade	91	30.43%	35.68%	24.68%
6 - Information & Finance, Insurance, Real Estate	34	11.37%	3.30%	14.29%
7 - Services	47	15.72%	34.36%	27.27%
8 - Public Administration	9	3.01%	4.85%	0%
<i>Source: New Jersey Department of Labor</i>				

Employment Outlook & Trends

Burlington City is primarily a residential community. The number of jobs in the City has remained steady and is not expected to increase until redevelopment projects are implemented. Any short-term new growth is expected in the downtown commercial area and would likely be made-up of small restaurants, shops, and offices.

II. ANALYSIS OF IMPACT OF EXISTING CONDITIONS ON AFFORDABLE HOUSING OPPORTUNITIES

AVAILABILITY OF EXISTING AND PLANNED INFRASTRUCTURE

Burlington City is fully served by public water and sewer. It is located in the Metropolitan Planning Area, PA1. Any new residential and non residential development will be served by existing or upgraded infrastructure.

The light rail transit system (RiverLine) will serve the anticipated residential and nonresidential development at the Burlington Town Center and Burlington South Stations. In addition, the County-operated BurLink shuttle service provides transit from the two RiverLine stations to area job centers and centers of commerce.

ANTICIPATED DEMAND OF TYPES OF USES PERMITTED BY ZONING

The City of Burlington is a fully built-out suburban municipality that permits all forms of housing development in its various zoning districts. Demand for any one form of development is low due to the lack of vacant land. The City, however, has identified areas that are in need of redevelopment and are formulating plans which will permit and encourage new residential and commercial uses in the identified areas within the municipality.

ANTICIPATED LAND USE PATTERNS

As stated previously, the City of Burlington is a fully built-out suburban municipality that contains most land uses including a small industrial facility. There is little developable land for any large scale industrial or commercial construction. With the exception of the City's redevelopment areas land use patterns are stable and are not anticipated to change.

MUNICIPAL ECONOMIC DEVELOPMENT POLICIES

As with many older suburban communities, the City of Burlington struggles to maintain the vibrancy of its historic downtown. To address these issues, the City created a redevelopment committee to look at opportunities that would result in a revitalized downtown center and other local redevelopment initiatives which would support it. Over the past several years, Burlington City has focused on revitalizing its downtown, waterfront and surrounding redevelopment areas into a vibrant hub of shopping, dining, residential and leisure activities.

The City is a compact, transit-oriented community served by New Jersey Transit's RiverLine Light Rail. It is situated between the Route 130 Corridor and the Delaware River. The Burlington City has created its redevelopment plans to focus on seven areas throughout the City that are in need of redevelopment.

The Historic Downtown Business District has a mix of apartments over first floor commercial establishments as well, which may also be targeted for rehabilitation and affordability controls.

CONSTRAINTS ON DEVELOPMENT

As a nearly built-out suburban/urban municipality, in-fill and redevelopment are the only two options for development in Burlington City. The lack of land for growth is the ultimate constraint in the City with environmental and economic issues constraining redevelopment.

EXISTING OR PLANNED MEASURES TO ADDRESS THESE CONSTRAINTS

Other than implementing redevelopment plans for the seven targeted areas, the City has no available measures to address its largest constraint, the lack of land.

CONSIDERATION OF LAND MOST APPROPRIATE FOR CONSTRUCTION OF LOW AND MODERATE INCOME HOUSING

The only opportunity for significant construction of any type, including affordable housing, would be on three smaller tracts of underutilized land. Any of all of these tracts would be appropriate, and are targeted for affordable housing, since they are within walking distance of downtown and multiple modes of transportation including the RiverLine light rail system.

In addition, affordable housing will be incorporated into the redevelopment areas described in this section. This is appropriate since there is little opportunity for additional development. Furthermore, these sites are generating most of the growth share obligation so it is logical that they should also be the site of future low and moderate income housing.

III. Fair Share Compliance Plan

The Fair Share Compliance Plan is the implementation plan for meeting Burlington City's projected round three affordable housing obligation. The Plan represents the current strategy that Burlington City intends to implement, following COAH certification, but is also an amendable plan, that will change, as circumstances and developments unfold from now through 2018. Therefore, it will almost certainly require, not unlike other Fair Share Compliance Plans throughout New Jersey, several amendments throughout the life of this Plan.

The City's plan for meeting its anticipated affordable housing obligation through 2018 is summarized in the attached COAH application forms and described in more detail in the following sections.

AFFORDABLE HOUSING OBLIGATION

Burlington City's affordable housing obligation is summarized below and detailed below. Worksheet A was utilized to determine Burlington City's growth share obligation because the City's growth share is not projected to be higher than the 215 units projected by COAH, even when planned redevelopment is taken into consideration.

Rehab Share: 66 unit obligation

Prior Round: 89 unit obligation

Projected Growth Share: 215 unit obligation

The mechanisms to meet these obligations are described further in the following sections and attachments.

REHABILITATION PROGRAM

Burlington City's rehabilitation share is 66 units. The City has already completed the rehabilitation of 15 units under a 2004 small cities grant. Unit monitoring for this is attached.

The municipality intends to continue its current rehabilitation program designed to bring deficient housing units occupied by low- and moderate-income households into compliance with health and safety codes by improving, replacing or rehabilitating major systems including, but not limited to, weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load bearing structural systems.

The City plans to apply for grants from the Small Cities program to fund the rehabilitation program. The City already submitted a Small Cities grant application in October 2008 to rehabilitate 15 units. Pending notification of the grant award notification, these units are expected to be completed in 2011.

The City plans to apply for another Small Cities grant in 2012 for an additional 18 units. In 2017, the City will apply for a grant for the final 18 units.

THE BURLINGTON MANOR

The COAH on-line reporting and the attached COAH Compliance Report show that Burlington City met its entire prior round obligation with 89 units in the Burlington Manor. Located at 225 East Pearl Boulevard, this age-restricted U.S. Department of Housing and Urban Development

(HUD) and rental project contains 125 units for income eligible households. The project was completed in 1980, however, only 100 units were created and occupied after April 1, 1980. The affordability controls are in place for 40 years. 89 of these units address the prior round obligation and 11 will be applied to the growth share obligation.

Additional details are provided on the COAH Application form. The COAH Compliance Report is attached in the appendices.

MUNICIPALY SPONSORED IN-FILL DEVELOPMENT & GUT REHABILITATION

The City intends to have 29 affordable owner-occupied housing units constructed or gut rehabilitated. Burlington City owns 29 sites that will be used for the construction of said affordable housing. Of the 29 sites, 24 are vacant lots on which new construction will occur and five sites have existing structures that must be gut rehabilitated. The list of sites is provided in the appendix for this project.

In order to facilitate this in-fill program, the City will sell or gift the sites to non-profit affordable housing developers such as Habitat for Humanity, Salt and Light, or M.E.N.D., or to other for-profit affordable housing developers. The City will require the developer, in the contract of sale and transfer of title and deed to administer the units in accordance with COAH rules. This will include affirmative marketing as well as the placement of affordability controls on the units that are sold.

The City intends to utilize revenues collected from development fees and payment-in-lieu to offset some of the construction costs for creating affordable housing under this infill project.

MCNEAL REDEVELOPMENT AREA (INCULSIONARY DEVELOPMENT)

There are concept plans to develop this site as a residential area that includes 200 housing units. A redevelopment plan for this area will be developed that calls for 40 of these units to be affordable. Additional details are included in the Compliance Documentation for this project.

MCNEAL MUNICIPALLY SPONSORED 100% AFFORDABLE PROJECT

A 71 unit municipally sponsored 100% affordable project is planned adjacent to the McNeal Redevelopment Area described above. The City owns the property where this project will be constructed. The Tax Map and additional data is included in the Compliance Documentation for this project.

NEIGHBORHOOD STABILIZATION PROGRAM

Burlington City plans to take advantage of recently announced HUD neighborhood stabilization funds to acquire foreclosed properties in the City. The City will work with a developer to rehabilitate the units and either sell or rent to low and moderate income households. This program will be modeled after the market-to-affordable program but it will also be an innovative program as it will most likely involve gut rehab and will address the foreclosure problem.

Since Burlington City is identified as only one of three municipalities in Burlington County eligible for the program due to its high rates of foreclosure, it is feasible that the City will be able to identify at least 10 properties for this project.

These projects would be fast-tracked and completed within the next eighteen months since it is a requirement of the funding source. The City plans to acquire 10 properties through this program. In the event that the City is able to identify additional properties and funding, the City may expand this program to acquire and rehabilitate additional properties.

Additional details about the Neighborhood Stabilization Program and this program is included in the appendices.

Summary of Burlington City's New Unit Fair Share Plan (does not include rehabilitation units)		
<i>Prior Round Obligation</i>	89	
Burlington Manor	89	Existing project. Units will address prior round
<i>Prior Round Total credits</i>	89	
<i>Growth Share Obligation</i>	215	
Burlington manor	11	Same existing project as above. Units will addressing Growth Share obligation
Infill Sites	29	Properties are owned by the City. They will be new construction or in some case gut rehabilitated.
McNeal Inclusionary Development	40	Inclusionary development concept plan (redevelopment area)
McNeal 100% Affordable	71	100% affordable, Municipally sponsored project
Neighborhood Stabilization Program	10	Use neighborhood stabilization grant funds to buy foreclosed properties, write down units, and sell
maximum bonus credits	54	Bonus credits from redevelopment and rental units
<i>Growth Share Total credits</i>	215	

IV. CONCLUSION

Under the round three growth share rules, put into place on June 2, 2008, addressing affordable housing is a long term, ever changing process, as it is based on actual growth. This is a stark difference from rounds one and two, when there was a given obligation number to work against, and that given number would not change during the entire term. On the contrary, under round three rules, the obligation changes with each actual construction project, residential and non-residential alike.

As a result, the City will review and recalculate its projected obligation, at least annually, in order to continually refine and update projections based on what has actually been built, and to update projections based on new information concerning likely development projects and their impacts. An annual review will also help to ensure that the City maintains an appropriate balance between its affordable housing activities and its actual and most recently planned developments.

1. Planning Board Resolution

WHEREAS, the Land Use Board of the City of Burlington, Burlington County, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on [Date]; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b(3); and

WHEREAS, N.J.A.C. 5:94-2.2(a) requires the adoption of the Housing Element by the Land Use Board and endorsement by the Governing Body; and

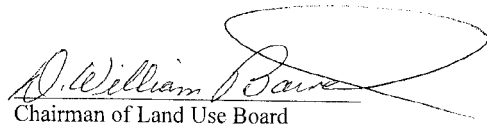
WHEREAS, N.J.A.C. 5:94-4.1(a) requires the preparation of a Fair Share Plan in accordance with the Housing Element of the Master Plan; and

WHEREAS, N.J.A.C. 5:94-4.1(b) requires the adoption of the Fair Share Plan by the Land Use Board and endorsement by the Governing Body; and

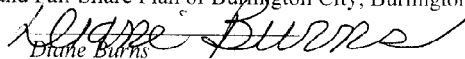
WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board of the City of Burlington held a public hearing(s) on the Housing Element and Fair Share Plan on December 17, 2008; and

WHEREAS, the Land Use Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the City of Burlington's November 28, 2001 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Land Use Board of the City of Burlington, State of New Jersey, that the Land Use Board hereby adopts the December 17, 2008 Housing Element and Fair Share Plan.


Chairman of Land Use Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of Burlington City, Burlington County on December 17, 2008.


Diane Burns
Planning Board Secretary

**2. Resolution of the Council
petitioning COAH for Substantive
Certification of its adopted
Housing Element and Fair Share
Plan**



City of Burlington

525 High Street, Burlington, New Jersey 08016-4503

telephone: (609) 386-0200 fax: (609) 386-0214

www.burlingtonNJ.us

Resolution No. 287-2008

December 18, 2008

Common Council of the City of Burlington, hereby endorses the Housing Element and Fair Share Plan as adopted by the City of Burlington Land Use Board and authorizes the submission of this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification.

RECORD VOTE OF COUNCIL OF FINAL PASSAGE											
	M	S	Y	N	N V	A B		M	S	Y	N
Babula		✓	✓				Van Loan			✓	
Hatala			✓	✓			Woodard			✓	
Lollar	✓		✓	✓			Ghaul			✓	
Mercuri			✓	✓							

THIS IS TO CERTIFY that this is a true and compared copy of a resolution adopted by Common Council of the City of Burlington on December 18, 2008.

Cindy A. Crivaro
Cindy A. Crivaro, RMC
Municipal Clerk

Patricia E. Tocci
Deputy Municipal Clerk

RESOLUTION NO. 287-2008

WHEREAS, the Land Use Board of the City of Burlington, County of Burlington, State of New Jersey, adopted the Housing Element of the Master Plan on December 17, 2008; and

WHEREAS, a true copy of the resolution of the Land Use Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

WHEREAS, the Land Use Board adopted the Fair Share Plan on December 17, 2008; and


WHEREAS, a true copy of the resolution of the Land Use Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Burlington, County of Burlington, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the City of Burlington Land Use Board; and


BE IT FURTHER RESOLVED that the Governing Body of the City of Burlington, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the City of Burlington Municipal Clerk's Office located at 525 High Street, Burlington, NJ 08016 during the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.


Douglas Ghaul, President
Common Council

ATTEST:


Cindy A. Crivaro, RMC
Municipal Clerk

December 18, 2008

4. Growth Share Determination Worksheet A

Workbook A: Growth Share Determination Using Published Data
(Using Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections Must be used in all submissions
--

Municipality Name: **Burlington City**

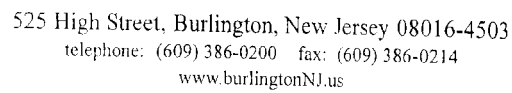
Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2) *	249	2,650
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	249	2,650
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	49.80 Affordable Units	165.63 Affordable Units
6 Total Projected Growth Share Obligation		215 Affordable Units

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

5. Development Fee Ordinance

The City of Burlington has amended its current Ordinance of the City of Burlington, Chapter 15, Section 15.52 for the collection of development fees to reflect the increased percentage of non residential fee's (2.5%) to be collected. Enclosed, please find the amended ordinance.



1st Reading 12/18/08
2nd Reading _____

[illegible]

6. Spending Plan

City of Burlington Affordable Housing Trust Fund Spending Plan

INTRODUCTION

The City of Burlington has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was submitted to COAH on December 31, 2008 and was based on the model document provided. The ordinance will be adopted in January 2009. The ordinance establishes the City of Burlington affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, the City of Burlington has collected \$18,994.00 in funds to date and it has not expended any funds, resulting in a balance of \$19,374.00. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Beneficial Bank, Burlington, New Jersey for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, the City of Burlington considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:	\$0	\$0	\$0	\$123,475	\$123,475	\$123,475	\$123,475	\$123,475	\$123,475	\$123,475	\$123,475	\$987,800
1. Approved Development	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2. Development Pending Approval	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3. Projected Development	\$0	\$0	\$0	\$123,475	\$123,475	\$123,475	\$123,475	\$123,475	\$123,475	\$123,475	\$123,475	\$987,800
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other Funds (Specify source(s))	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	\$0	\$0	\$0	\$2,470	\$2,470	\$2,470	\$2,470	\$2,470	\$2,470	\$2,470	\$2,470	\$19,760
Total	\$0	\$0	\$0	\$125,945	\$125,945	\$125,945	\$125,945	\$125,945	\$125,945	\$125,945	\$125,945	\$1,007,560

The City of Burlington projects a total of \$1,007,560 in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the City of Burlington:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the City of Burlington's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The City of Burlington, with the exception of the mandatory affordability assistance, and 20% for administration, will dedicate the remainder of any development fees collected to offset the cost of the new construction of rental or owner occupied units.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

The City of Burlington will dedicate \$513,467 to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$0 The City of Burlington is a Small Cities eligible community, and plans to secure Housing Rehabilitation funds from this source, to address its rehabilitation obligation.

New construction project(s): \$513,467. All development fees collected will be utilized for new construction, with the exception of the mandatory set aside for affordability assistance, and 20% for administrative costs.

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		\$18,994
Actual interest earned through 7/17/2008	+	\$380
Development fees projected* 2008-2018	+	\$987,800
Interest projected* 2008-2018	+	\$19,760
Less housing activity expenditures through 6/2/2008	-	\$0
Total	=	\$1,026,934
30 percent requirement	x 0.30 =	\$308,080
Less Affordability assistance expenditures through 12/31/2004	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$308,080
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$102,693

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

The City of Burlington will dedicate \$308,080 from the affordable housing trust fund to render units more affordable, including \$102,693 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

The City of Burlington intends to utilize the full 30% affordability assistance set-aside to administer a down payment assistance program to eligible potential homebuyers.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

The City of Burlington projects that \$205,387 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

The City of Burlington will utilize 20% of the development fee to assist with its Administrative Agent, monitoring and planning responsibilities. A portion of the funds may be used to offset other administrative costs such as accounting, bookkeeping, reporting, etc.

The City of Burlington intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

5

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of the City of Burlington has adopted a resolution agreeing to fund any shortfall of funds required for implementing its new construction program. In the event that a shortfall of anticipated revenues occurs, the City of Burlington will pass a resolution of intent to bond. A copy of the adopted resolution is attached.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to expand the existing housing rehabilitation program.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the City of Burlington's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

The City of Burlington intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated December 17, 2008.

The City of Burlington has a balance of \$19,374 as of July 17, 2008 and anticipates an additional \$987,800 in revenues before the expiration of substantive certification for a total of \$1,026,934. The municipality will dedicate \$513,467 towards new construction, \$308,060 to render units more affordable, and \$205,387 to administrative costs. Any shortfall of funds will be offset by local bonding. The municipality will dedicate any excess funds toward expansion of its existing housing rehabilitation program.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$19,374
PROJECTED REVENUE July 18, 2008-2018	
Development fees	+ \$987,800
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$19,760
TOTAL REVENUE	= \$1,026,934
EXPENDITURES	
Funds used for Rehabilitation	- \$0
Funds used for New Construction	
1. McNeal Municipally Sponsored	- \$513,467
2.	- \$
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$308,080
Administration	- \$205,387
Excess Funds for Additional Housing Activity	= \$0
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
TOTAL PROJECTED EXPENDITURES	= \$1,026,934
REMAINING BALANCE	= \$0.00

Due to an oversight, the City of Burlington has not established a separate trust fund for the collection of development fees. This will be addressed immediately in 2009.

7. Affordable Housing Ordinance

Council on Affordable Housing

City of Burlington Affordable Housing Ordinance

AN ORDINANCE OF THE CITY OF BURLINGTON TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) Burlington City's Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Burlington City shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:96, as may be amended and supplemented.
- (d) Burlington City shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at Burlington City's Municipal Building, Municipal Clerk's Office, 525 High Street, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

Section 3. Affordable Housing Programs

Burlington City has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
1. The City of Burlington’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
 3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period shall be enforced with a lien and for renter occupied units the control period shall be enforced with a deed restriction.
 4. Burlington City shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
 5. Burlington City shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for Burlington City.
 6. Burlington City shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
 7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:

- i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.
- (b) A Market to Affordable program.
- 1. A market to affordable program is established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of 2iii below, the market to affordable programs may produce both low- and moderate-income units (the program may be limited to only low- or only moderate-income units as per the Fair Share Plan).
 - 2. The following provisions shall apply to market to affordable programs:
 - i. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
 - ii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 - iii. The municipality will provide a minimum of \$25,000 per unit to subsidize each moderate-income unit and/or \$30,000 per unit to subsidize the each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.
 - iv. The maximum number of creditable market to affordable units shall be equal to no more than 10 for sale units and 10 rental units or a combined total of 10 percent of the fair share obligation, whichever is greater. (Additional units may be approved by COAH if the municipality demonstrates the successful completion of its initial market to affordable program.)
 - 3. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
 - i. Bedroom distribution (N.J.A.C. 5:80-26.3(b) and (c));
 - ii. Low/moderate income split (N.J.A.C. 5:80-26.3(a)); and
 - iii. Affordability average (N.J.A.C. 5:80-26.3(d) and (c)); however:

- A. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
- B. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

Section 4. Reserved

Section 5. Reserved

Section 6. Reserved

Section 7. New Construction

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 - 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 - 2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 - 3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 - 4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that Burlington City has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - B. To this end, the builder of restricted units shall deposit funds within Burlington City's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - C. The funds deposited under paragraph B. above shall be used by Burlington City for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of Burlington City.
 - E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to Burlington City's affordable housing trust fund in care of the Municipal Treasurer who shall

ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

- F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 35 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.

6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
- A studio shall be affordable to a one-person household;
 - A one-bedroom unit shall be affordable to a one and one-half person household; and
 - A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rent unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
11. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 8. Affirmative Marketing Requirements

- (a) Burlington City shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 5 and covers the period of deed restriction.
- (c) *Optional.* The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 5 comprised of Burlington, Camden and Gloucester counties.
- (d) The Administrative Agent designated by Burlington City shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Burlington City.

Section 9. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 10. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until Burlington City elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certificate of statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 11. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.

- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 12. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 13. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable sales price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 14. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Township. A copy of the filed document

shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 15. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 16. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 17. Administration

- (a) The position of Municipal Housing Liaison (MHL) for Burlington City is established by this ordinance. The City of Burlington shall make the actual appointment of the MHL by means of resolution.
1. The MHL must be either a full-time or part-time employee of Burlington City.
 2. The person appointed as the MHL must be reported to COAH for approval.
 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Burlington City, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in Burlington City's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;

- vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) Burlington City shall designate by resolution of the Township Committee, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
 - (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
 - (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - 2. Affirmative Marketing;
 - 2. Household Certification
 - 3. Affordability Controls
 - 4. Records retention
 - 5. Resale and re-rental;
 - 6. Processing requests from unit owners; and
 - 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 18. Enforcement of Affordable Housing Regulations

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - i. A fine of not more than [insert amount] or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into Burlington City's Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court;
 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the

proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 19. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

DRAFT

8. Rehabilitation Compliance Documentation

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: Burlington City, Burlington County

Program Name: Local

Number of proposed units to be rehabilitated: 66

Information and Documentation Required with Petition

- ☒ Determination of Rehabilitation Share
- ☒ Accept number in N.J.A.C. 5:97 – Appendix B; **OR**
- ☐ Exterior Housing Survey conducted by the municipality
- ☒ Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☒ in lieu of submitting forms.)
- ☒ Documentation demonstrating the source(s) of funding
- ☒ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☐ Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- ☐ Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC

Rehabilitation Narrative Section

Schedule

December 31, 2008 - 15 units completed (or 23% of obligation)*.

October 2008 - Burlington City applied for Small Cities Grant for 15 additional units to be completed by December 2011 (45% of obligation complete)

October 2012 - Apply for Small Cities funds for 18 units to be completed by December 2014 (73% of obligation complete)

October 2017- Apply for Small Cities funds for 18 units to be completed by December 2018 (100% of obligation complete)

*Burlington City has requested COAH monitoring information from TRIAD, the consultant for the completed 15 units. This information was not available by the December 31, 2008 deadline but will be submitted to COAH as soon as possible.

9. Burlington Manor Supporting Documentation

Attached is the COAH Compliance report. Compliance documentation for the Burlington Manor is not attached because 100 units were certified as creditworthy in the attached COAH compliance report. This report also certified that the City met 100% of its prior round obligation.



RECEIVED

OCT 12 1999

CHRISTINE TODD WHITMAN
Governor

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
PO Box 813
TRENTON NJ 08625-0813
609-292-3000
FAX: 609-633-6056
TDD#: (609) 278-0175

ENVIRONMENTAL RESOLUTIONS INC

JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

October 6, 1999

The Honorable Herman T. Costello
Burlington City
437 High Street
Burlington, New Jersey 08016-4574

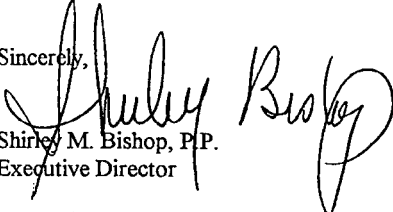
Dear Mayor Costello:

Congratulations!

Enclosed is a copy of the resolution approved by the Council on Affordable Housing (COAH) at its October 6, 1999 meeting granting your municipality substantive certification. Please take note that all implementing ordinances including applicable zoning must be adopted no later than 45-days from the grant of this substantive certification.

If you have any questions or need further information, please call Monica Etz, COAH planner, at (609) 292-4646.

Sincerely,


Shirley M. Bishop, P.P.
Executive Director

enclosure

cc: Service List
Monica Etz, COAH planner



The Honorable Herman T. Costello
Burlington City
437 High Street
Burlington, New Jersey 08016-4574

Alexander R. Shultz, RMC
Burlington City
437 High Street
Burlington, New Jersey 08016-4574

Rick Iovine, President
Common Council
Burlington City
437 High Street
Burlington, New Jersey 08016-4574

Barbara J. Fegley, AICP, PP
Environmental Resolutions, Inc.
124 Gaither Drive
Suite 160
Mt. Laurel, New Jersey 08054

Burlington Housing Development Corp.
PO Box 1602
Burlington, New Jersey 08016

West Electronics, Inc.
PO Box 366
5 Terri Lane
Unit 9
Burlington, New Jersey 08016

RESOLUTION GRANTING SUBSTANTIVE CERTIFICATION No.

141-99

WHEREAS, Burlington City, Burlington County, petitioned the Council on Affordable Housing (COAH) for substantive certification of its 12-year cumulative housing obligation on March 17, 1999; and

WHEREAS, Burlington City published notice of its petition in the Burlington County Times on March 28, 1999; and

WHEREAS, Burlington City's 12-year cumulative obligation is 146 units of which 57 are rehabilitation and 89 are new construction; and

WHEREAS, during the 45-day comment period there were no objections to the plan; and

WHEREAS, as indicated in the COAH Compliance Report dated September 10, 1999, (attached) Burlington City is eligible for 100 prior cycle credits for the Burlington Manor age-restricted housing complex; and

WHEREAS, Burlington City is eligible for 16 rehabilitation credits for units rehabilitated in the Stone Villa apartment complex after April 1, 1990; and

WHEREAS, Burlington City is eligible for 28 rehabilitation credits for units rehabilitated in the Dunbar apartment complex after April 1, 1990; and

WHEREAS, Burlington City is eligible for 10 rehabilitation credits for units rehabilitated as part of a municipal owner-occupied rehabilitation program after April 1, 1990; and

WHEREAS, with a total of 154 credits, Burlington City has met and exceeded its obligation of 146; and

WHEREAS, Burlington City has submitted an affordable housing ordinance and an affirmative marketing plan; and

WHEREAS, COAH has reviewed Burlington City's petition for substantive certification of its housing element and fair share plan and determined that the plan addresses the 12-year obligation with excess units; and

WHEREAS, any excess units created during the six year period of substantive certification may be credited towards the third round obligation as permitted by COAH regulations.

NOW THEREFORE BE IT RESOLVED that COAH has reviewed Burlington City's petition for substantive certification of its housing element and fair share plan and supporting documentation and determines that all are consistent with rules and criteria adopted by COAH for the achievement of low and moderate income housing needs for the region; and

BE IT FURTHER RESOLVED that COAH has reviewed Burlington City's petition for substantive certification and determined that Burlington City has created a realistic opportunity for addressing its affordable housing obligation; and

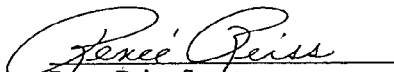
BE IT FURTHER RESOLVED that COAH finds that the housing element and fair share plan submitted by Burlington City comport with the standards set forth in N.J.S.A. 52:27D-314 and are consistent with the rules and criteria adopted by COAH and the achievement of low and moderate income housing needs of the region; and

BE IT FURTHER RESOLVED that COAH HEREBY GRANTS SUBSTANTIVE CERTIFICATION to Burlington City's housing element and fair share plan for a period of six years; and

BE IT FURTHER RESOLVED that Burlington City shall adopt all affordable housing ordinances within 45 days of the grant of substantive certification; and

BE IT FURTHER RESOLVED that any change in the facts upon which this final certification is based or any deviation from the terms and conditions of this final certification which affects the ability of the city to provide for the realistic opportunity of its fair share of low and moderate income housing and which the city fails to remedy may render this certification null and void.

I hereby certify that this resolution
was duly adopted by the Council on
Affordable Housing at its meeting on
October 6, 1999.


Renee Reiss, Secretary
Council on Affordable Housing



4(d)

CHRISTINE TODD WHITMAN
Governor

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
PO Box 813
TRENTON NJ 08625-0813
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JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

COAH SUMMARY FACT SHEET: 1987 TO 1999

Municipality Burlington City Petition for Certification March 17, 1999
County Burlington COAH Compliance Report September 10, 1999
Substantive Certification October 6, 1999

Planning Area 1
Staff Reviewer Monica Etz

12-Year Cumulative Obligation.....146 (57 rehabilitation / 89 new units)

(A) Prior cycle credits	100
(B) Rehabilitation credits - Stone Villa	16
(C) Rehabilitation credits - Dunbar Apts.	28
(D) Rehabilitation credits - Owner-occupied	+ 10
	154 TOTAL

Recommendation
GRANT SUBSTANTIVE CERTIFICATION



**EXECUTIVE SUMMARY - Substantive Certification
BURLINGTON CITY, BURLINGTON COUNTY**

October 6, 1999

Burlington City first received substantive certification from the Council on Affordable Housing (COAH) on October 10, 1989, for its first-round obligation of 156 units.

Burlington City submitted a housing element and fair share plan on March 17, 1999, along with a petition for substantive certification. The city's 12-year cumulative obligation is 146 units: 57 rehabilitation and 89 new construction. On March 28, 1999, Burlington City published notice of the petition in the Burlington County Times. During the 45-day comment period, no objections were received.

The city is eligible for credits and reductions as follows:

Prior-cycle Credits	100
Rehabilitation Credits – Stone Villa	16
Rehabilitation Credits – Dunbar Apts.	28
Rehabilitation Credits – Owner-occupied	+ 10
TOTAL.....	154

It should be noted that Pennrose Properties, Inc., became a designated redeveloper under the City of Burlington Redevelopment Authority Redevelopment Plan. Pennrose, under limited partnerships, is in the process of undertaking several affordable housing redevelopment projects in Burlington City (Blue Anchor Inn, West Electronics Building, the Stacey School and scattered-site development). The city is not seeking COAH credit for these projects at this time.

Burlington City has submitted a housing element and fair share plan which addresses its 12-year obligation of 146 units. The city has submitted all crediting documentation, as well as implementing ordinances. At this time, COAH staff recommends granting Burlington City, Burlington County, substantive certification.

**COAH COMPLIANCE REPORT – Substantive Certification
BURLINGTON CITY, BURLINGTON COUNTY**

September 10, 1999

Prepared by Monica Etz, Principal Planner

I. INTRODUCTION

Burlington City is located on the north-western edge of Burlington County. The city, which is located on the Delaware River, is surrounded on three sides by Burlington Township and is located entirely in Planning Area 1. Burlington City first received substantive certification from the Council on Affordable Housing (COAH) on October 10, 1989, for its first-round obligation of 156 units.

The city's 12-year cumulative obligation is 146 units: 57 rehabilitation and 89 new construction. Burlington City submitted a housing element and fair share plan on March 17, 1999, along with a petition for substantive certification. On March 28, 1999, Burlington City published notice of the petition in the Burlington County Times. During the 45-day comment period, no objections were received.

II. HOUSING STOCK INVENTORY, PROJECTION and ANALYSIS

Burlington City has provided housing inventory and analysis based on the 1990 census. Housing stock, age of housing stock, condition of housing, values, occupancy characteristics, types, projection of the housing stock, demographics, household size, household income and employment data have been submitted in conformance with N.J.A.C. 5:93-5.1(b). In 1990, Burlington City had a total population of 9,835 persons (a decline from 12,010 persons in 1970) and 4,056 housing units. The median value of an owner-occupied home in the city was \$92,400 and the median contract rent was \$501.

III. CREDITS and REDUCTIONS

The city's 12-year cumulative obligation is 146 units: 57 rehabilitation and 89 new construction. Burlington City is seeking prior cycle credits and rehabilitation credits. They are discussed below:

(a) Prior Cycle Credits - Burlington Manor (Block 121, lot 2)

Located at 225 East Pearl Boulevard in the city, this age-restricted U. S. Department of Housing and Urban Development (HUD) and rental project contains 125 units for income eligible households. Pursuant to N.J.A.C. 5:93-3.2, a housing unit created and occupied between April 1, 1980 and December 15, 1986, is eligible for a one-for-one credit when it has been developed for low and moderate income households and the unit is governed by affordability controls. The project was completed in 1980, however, according to Burlington City, only 100

units were created and occupied after April 1, 1980. The affordability controls are in place for 40 years and the tenants are income-qualified under the HUD Section 8 income limits. Burlington City is eligible for 100 prior cycle credits. **[100 prior-cycle credits]**

(b) Rehabilitation Credit – Stone Villa and Dunbar Apartments

The Burlington City Housing Authority manages two public housing projects in the city: Stone Villa and Dunbar Apartments. The housing authority received a \$3,007,343 Comprehensive Improvement Assistance Program grant from HUD for the substantial rehabilitation and modernization of all 90 apartments in the two housing projects. The grant was used to repair and replace roofs, heating systems, plumbing, kitchens, bathrooms, interior walls, flooring and facades.

Pursuant to N.J.A.C. 5:93-3.4(a), a municipality may receive credit for rehabilitation performed subsequent to April 1, 1990, if the unit was below code and brought up to code, if hard costs averaged \$8,000 and if the occupants are income eligible. Both Stone Villa and Dunbar Apartments are restricted to low and moderate income households. The city has submitted documentation indicating that a minimum of \$10,000 was spent on each unit and affordability controls are in place. In the Stone Villa apartments, 16 units were rehabilitated after April 1, 1990, and in the Dunbar Apartments, 28 were rehabilitated after April 1, 1990, for a total of 44 rehabilitation credits. **[44 rehabilitation credits]**

(c) Rehabilitation Credit – Owner-occupied Rehabilitation Program

Burlington City has submitted crediting documentation for 10 additional units rehabilitated within the city. Funding was provided through a \$200,000 grant from the New Jersey Small Cities Community Development Block Grant (CDBG) program, a \$75,000 grant from the Neighborhood Preservation Program and a city allocation of \$365,765. The 10 rehabilitated units averaged expenditures of \$22,367. All were owner-occupied homes rehabilitated subsequent to April 1, 1990. The homes were below code and raised to code, all property owners were income-eligible and six-year deed restrictions were placed on the homes.

(d) Summary of Credits and Reductions

Burlington has submitted documentation for 100 prior-cycle credits and 54 rehabilitated units. Therefore, Burlington City has met and exceeded its 146-unit obligation as shown below:

SUMMARY of AFFORDABLE HOUSING PLAN

Prior-cycle credits	100
Rehabilitation Credits – Stone Villa	16
Rehabilitation Credits – Dunbar Apts.	28
Rehabilitation Credits – Owner-occupied	+ 10
TOTAL.....	154

IV. RENTAL OBLIGATION

In addressing its affordable housing obligation, every municipality must create a realistic opportunity for rental units. As per N.J.A.C. 5:93-5.15, Burlington City's rental component is calculated as follows:

= (.25)(precruited need – prior cycle credits - rehabilitation component)
= (.25)(146 – 100 – 57)
= (.25)(0)
= 0 units

Burlington City has no rental obligation.

V. REDEVELOPMENT INITIATIVES - Pennrose Properties, Inc.

On August 17, 1998, Pennrose Properties, Inc., became a designated redeveloper under the City of Burlington Redevelopment Authority Redevelopment Plan. Pennrose, under limited partnerships, is in the process of undertaking several affordable housing redevelopment projects in Burlington City. Because these projects are in the preliminary stages, Burlington is not seeking COAH credit for these projects at this time.

The Blue Anchor Inn¹ (Block 32, lot 3)

Located at the corner of High Street and Broad Street in the center of the city's historic district, the vacant Blue Anchor Inn sits at the site of the Blue Anchor Tavern circa 1750. The building is at the site of the proposed city transit stop for the new light rail system. Pennrose intends to create commercial and/or retail on the first floor and 16 one-bedroom apartments on the second, third and fourth floors. The 16 apartments will be age-restricted for households at or below 50 percent of median income. Pennrose is seeking historic tax credits for this project.

West Electronics Building (Block 123, lots 1 and 19; Block 15, lot 129)

Located at 231 Penn Street, this 90-year old vacant building was once a manufacturing plant. It is located in the center of the historic district. Pennrose proposes to acquire and convert the property to 36 one-bedroom, age-restricted apartments for households at or below 50 percent of median income.

The Stacey School

Pennrose is proposing eight non age-restricted townhouses to be funded with Urban Home Ownership Recovery Program (UHORP) monies. The units are intended to be a mix of market and moderate-income family, for-sale townhouses. This proposal is in the preliminary stages.

Scattered-Site Development

Pennrose has entered into an agreement with the City of Burlington Redevelopment Authority to develop approximately 22 scattered units in the New Yorkshire neighborhood of the city. Pennrose has identified 22 vacant lots to be developed with 22 single-family homes. Pennrose anticipates funding with UHORP monies and envisions a mix of market rate and moderate income homes.

¹ In Burlington City, the Blue Anchor Inn is also referred to as the Metropolitan Inn and Alexander's Inn.

VI. AFFORDABLE HOUSING ORDINANCES

Burlington City has submitted an affordable housing ordinance incorporating the regulations found in N.J.A.C. 5:93. The provisions will apply to any affordable housing approved during the six-year period of substantive certification and include the following:

- Low and moderate income split as per N.J.A.C. 5:93-7.2
- Bedroom distribution as per N.J.A.C. 5:93-7.3
- Construction phasing of units pursuant to N.J.A.C. 5:93-5.6(d)
- Affordability controls as per N.J.A.C. 5:93-9
- Establishment of rents and prices of units as per N.J.A.C. 5:93-7.4(a)
- Percentage of condominium fee for low/moderate income units

The city will be required to adopt the ordinance within 45 days of substantive certification.

VII. AFFIRMATIVE MARKETING PLAN

Burlington City has submitted an affirmative marketing plan for COAH's review and approval. The city has prepared an affirmative marketing plan in conformance with N.J.A.C. 5:93-11. The ordinance must be incorporated into a fair share ordinance and adopted within 45 days of COAH's grant of substantive certification.

VIII. DEVELOPMENT FEE ORDINANCE and SPENDING PLAN

Pursuant to N.J.A.C. 5:93-8.1, a municipality that petitions COAH for substantive certification has the ability to impose, collect and spend development fees. Burlington City has not submitted a proposed development fee ordinance for COAH's review; however, the city may do so at any time during the course of substantive certification.

IX. CONCLUSION

Burlington City has submitted a housing element and fair share plan, which addresses its 12-year obligation of 146 units. The city has submitted all crediting documentation, as well as implementing ordinances. At this time, COAH staff recommends granting Burlington City, Burlington County, substantive certification.

10. Infill Compliance Documentation

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE
DEVELOPMENTS (N.J.A.C. 5:97-6.7)**
(Submit separate checklist for each site or project)

General Description

Municipality/County: Burlington City, Burlington County

Project Name: Infill Sites

Block(s) and Lot(s): see attached

Affordable Units Proposed: 29

Family: 29 Sale: 29 Rental: 0

Very low-income units: 0 Sale: 0 Rental: 0

Age-Restricted: 0 Sale: 0 Rental: 0

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 0

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 0

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: 0

Smart Growth Bonus as per N.J.A.C. 5:97-3.18: 0

Compliance Bonus as per N.J.A.C. 5:97-3.17: 0

Date zoning adopted: _____ Date development approvals granted: _____

Required Information and Documentation with Petition or in Accordance with an

Implementation Schedule

☐ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)

Is the municipality providing an implementation schedule for this project/program.

☒ Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

☐ No. Continue with this checklist.

☐ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- ☐ Name and address of owner
- ☐ Subject property street location
- ☐ Subject property block(s) and lot(s)
- ☐ Subject property total acreage
- ☐ Indicate if urban center or workforce housing census tract
- ☐ Description of previous zoning
- ☐ Current zoning and date current zoning was adopted
- ☐ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☐ Description of surrounding land uses
- ☐ Demonstration that the site has street access
- ☐ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☐ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☐ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☐ Flood plain areas
- ☐ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site

- ☐ Based on the above, a quantification of buildable and non-buildable acreage
- ☐ RFP or Developer's Agreement
- ☐ Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- ☐ Pro-forma statement for the project
- ☐ Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- ☐ Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS
(N.J.A.C. 5:97-6.7)**

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification	10/1/2005	12/31/2008	12/31/2008

RFP Process	1/30/2010	4/30/2010	5/30/2010
Developer Selection	1/30/2010	4/30/2010	5/30/2010
Executed Agreement with provider, sponsor or developer	1/30/2010	4/30/2010	5/30/2010
Development Approvals	1/1/2013	12/30/2013	12/30/2013
Contractor Selection	6/30/2013	12/30/2013	12/30/2013
Building Permits	6/30/2013	12/30/2013	12/30/2013
Occupancy	1/1/2014	12/30/2014	12/30/2014

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH
Site Description	12/30/2009
Site Suitability Description	12/30/2009
Environmental Constraints Statement	12/30/2009

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources	12/30/2010	12/30/2010
Project Pro-forma	12/30/2010	12/30/2010

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds	12/31/2008	12/31/2008
---	------------	------------

100% or Municipally Sponsored Narrative Section

The City intends to have 29 affordable owner-occupied housing units constructed, including gut rehabilitated. Burlington City owns 29 sites that will be used. Of the 29 sites, 24 are are vacant lots on and new homes will be constructed. The remaining five sites have existing structures that must be gut rehabilitated.

In order to facilitate this program, the City will sell the sites to affordable housing developers such as Habitat for Humanity, M.E.N.D. etc. for the construction of affordable housing.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

Real Estate Owned by the City of Burlington Available for Affordable Housing

A. Vacant Lots that will be used to develop 24 affordable owner-occupied houses:

211 Clarkson Street, Block 143, Lots 30 and portions of 32 & 33
215 Clarkson Street, Block 143, Lots 34 and portions of 32 & 33
314 Clarkson Street, Block 141, Lot 8
316 Clarkson Street, Block 141, Lot 9
330 Clarkson Street, Block 141, Lot 14
332 Clarkson Street, Block 141, Lot 15
339 Clarkson Street, Block 145, Lot 27
42 East Federal Street, Block 137, Lots 30, 33, 34 and a portion of 32
46 East Federal Street, Block 137, Lots 31 and a portion of 32
132 East Federal Street, Block 139, Lots 41 & 42
136 East Federal Street, Block 139, Lots 39 & 40
412 Earl Street, Block 145, Lot 25
303 Green Street, Block 150, Lots 20, 21 & 22
479 Lawrence Street, Block 139, Lot 58
440 Linden Avenue, Block 141, Lot 16
442 Linden Avenue, Block 141, Lot 17
432 St. Mary Street, Block 143, Lots 21 & 22
459 St. Mary Street, Block 150, Lots 19, 38 & 39
500 York Street, Block 139, Lots 1 & 2
543 York Street, Block 148, Lot 1
547 York Street, Block 148, Lot 2
551 York Street, Block 148, Lot 3
555 York Street, Block 148, Lot 4
566 York Street, Block 139, Lots 32 & 33

B. Vacant Houses Owned by the City of Burlington that will gut rehabilitated for 5 affordable owner-occupied houses:

218 Jones Avenue, Block 147, Lot 17
310 Jones Avenue, Block 150, Lot 5
318.5 Jones Avenue, Block 150, Lot 10
301 York Street, Block 131, Lot 54
330 York Street, Block 134, Lot 29

11. McNeil Redevelopment Area Compliance Documentation

PROPOSED REDEVELOPMENT AREAS (N.J.A.C. 5:97-6.6)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Burlington City, Burlington County

Project Name/Redevelopment Designation: McNeal Redevelopment Area

Block(s) and Lot(s): _____

Total acreage: _____ Proposed density (units/gross acre): _____

Affordable Units Proposed: 40

Family: 40 Sale: 0 Rental: 40

Very low-income units: _____ Sale: _____ Rental: _____

Age-Restricted: _____ Sale: _____ Rental: _____

Market-Rate Units Anticipated: 160

Non-Residential Development Anticipated (in square feet): 0

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 0

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 37

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: 0

Smart growth bonuses as per N.J.A.C. 5:97-3.18: 0

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: 0

Compliance bonuses as per N.J.A.C. 5:97-3.17: 0

Date zoning or redevelopment plan adopted: _____

Date development approvals granted: _____

**Information and Documentation Required with Petition or in Accordance with an
Implementation Schedule**

The municipality is providing an implementation schedule for this project/program.

- ☒ Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementation schedule.
- ☐ No. Continue with this checklist.

- ☐ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- ☐ Adopted Resolution designating Redevelopment Area
- ☐ Demonstration of DCA's approval of Redevelopment Area designation. Check here ☐ if non-applicable.
- ☐ Redevelopment plan adopted by the governing body which includes the requirements for affordable housing
- ☐ A description of the site, including its location, acreage and existing and intended use
- ☐ An anticipated timeline and development process expected for the site

If payments in lieu of on-site construction of the affordable units is an option:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site, including:

- ☐ Name and address of owner
- ☐ Subject property street location
- ☐ Subject property block(s) and lot(s)
- ☐ Indicate if urban center or workforce housing census tract
- ☐ Subject property total acreage
- ☐ Previous zoning designation and date previous zoning was changed
- ☐ Current zoning and date current zoning was adopted
- ☐ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☐ Tax maps showing the location of site(s) with legible dimensions (electronic if available)
- ☐ Map of Redevelopment Area

**Information and Documentation Required prior to Substantive Certification or in Accordance
with an Approved Implementation Schedule**

A description of the suitability of the site, including:

- ☐ Description of surrounding land uses
- ☐ Demonstration that the site has street access
- ☐ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☐ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 to serve the proposed redevelopment area or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☐ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 to serve the proposed redevelopment area or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☐ Wetlands and buffers
 - ☐ Steep slopes
 - ☐ Flood plain areas
 - ☐ Stream classification and buffers
 - ☐ Critical environmental site
 - ☐ Historic or architecturally important site/district
 - ☐ Contaminated site(s); proposed or designated brownfield site
 - ☐ Based on the above, a quantification of buildable and non-buildable acreage
- ☐ A copy of the final Request for Proposals, which includes the requirements for affordable housing. Check here ☐ if non-applicable.
- ☐ Demonstration that the municipality or redeveloper either has control of the site or an option on the property or a plan in place for obtaining site control, in accordance with the LHRL
- ☐ An executed redevelopment agreement that results in the creation of affordable housing units and which shall include the following:
- ☐ Number, tenure and type of units
 - ☐ A schedule for the overall development plan, including phasing of residential development
 - ☐ Compliance with N.J.A.C. 5:94-6.4(i)-(k)

- ☐ Demonstration that the first floor of all townhouse or other multistory dwelling units is accessible and adaptable per N.J.A.C. 5:97-3.14
- ☐ If applicable, current status of the municipality's Workable Relocation Assistance Program (WRAP)

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC, except for low- and moderate-income households displaced by redevelopment that are given preference for new units

PROPOSED REDEVELOPMENT AREAS (N.J.A.C. 5:97-6.6)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Redevelopment Area information, including the following:

Redevelopment Area Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Adopted resolution designating Redevelopment Area	1/1/2009	12/31/2009
Demonstration of DCA's approval of Redevelopment Area designation (enter N/A if not applicable)		

Redevelopment plan adopted by the governing body which includes the requirements for affordable housing	1/1/2009	12/31/2009
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(B) Development schedule, including, but not limited to, the following:

Redevelopment Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification	1/1/2010	12/1/2011	12/31/2011
RFP Process (enter N/A if not applicable)			
Developer Selection	1/1/2012	12/1/2012	12/31/2012
Site Plan Preparation	1/1/2013	12/1/2013	12/31/2013
Development Approvals	1/1/2014	12/1/2014	12/31/2014
Contractor Selection	1/1/2014	12/1/2014	12/31/2014
Building Permits	1/1/2014	12/1/2014	12/31/2014
Construction	1/1/2015	12/1/2015	12/31/2015
Occupancy	1/1/2016	12/1/2008	12/31/2006

Redevelopment Narrative Section

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

12. McNeil 100% Affordable Compliance Documentation

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE
DEVELOPMENTS (N.J.A.C. 5:97-6.7)**

(Submit separate checklist for each site or project)

General Description

Municipality/County: Burlington City, Burlington County

Project Name: McNeal- 100% affordable Project

Block(s) and Lot(s): Block 226, Lots 1.02 and/or 1.06 (see attached map)

Affordable Units Proposed: 71

Family: 71

Sale: 0

Rental: 71

Very low-income units: 28

Sale: 0

Rental: 28

Age-Restricted: 0

Sale: 0

Rental: 0

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 17

Rental bonuses as per N.J.A.C. 5:97-3.6(a):

Very low income bonuses as per N.J.A.C. 5:97-3.7¹:

Smart Growth Bonus as per N.J.A.C. 5:97-3.18:

Compliance Bonus as per N.J.A.C. 5:97-3.17:

Date zoning adopted: Date development approvals granted:

Required Information and Documentation with Petition or in Accordance with an

Implementation Schedule

- ☐ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)

Is the municipality providing an implementation schedule for this project/program.

- ☒ Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

12_BC_McNeil_100%afford_compliance_

☐ No. Continue with this checklist.

- ☐ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- ☐ Name and address of owner
- ☐ Subject property street location
- ☐ Subject property block(s) and lot(s)
- ☐ Subject property total acreage
- ☐ Indicate if urban center or workforce housing census tract
- ☐ Description of previous zoning
- ☐ Current zoning and date current zoning was adopted
- ☐ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☐ Description of surrounding land uses
- ☐ Demonstration that the site has street access
- ☐ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☐ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☐ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☐ Flood plain areas
- ☐ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site

- ☐ Based on the above, a quantification of buildable and non-buildable acreage
- ☐ RFP or Developer's Agreement
- ☐ Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- ☐ Pro-forma statement for the project
- ☐ Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- ☐ Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS
(N.J.A.C. 5:97-6.7)**

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification	12/1/2008	12/31/2009	12/31/2009

RFP Process	6/1/2010	12/31/2010	12/31/2010
Developer Selection	1/1/2011	6/1/2011	6/1/2011
Executed Agreement with provider, sponsor or developer	6/31/2011	12/31/2011	12/31/2011
Development Approvals	1/1/2012	12/31/2014	12/31/2014
Contractor Selection	1/1/2013	12/31/2014	12/31/2014
Building Permits	1/1/2013	12/31/2014	12/31/2014
Occupancy	1/1/2015	12/31/2015	12/31/2015

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH
Site Description	12/31/2010
Site Suitability Description	12/31/2010
Environmental Constraints Statement	12/31/2010

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources	12/31/2011	12/31/2011
Project Pro-forma	12/31/2011	12/31/2011

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds	12/31/2008	12/31/2008
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100% or Municipally Sponsored Narrative Section

Property is owned by Burlington City. It is adjacent to the planned redevelopment area and large enough in size to accommodate the proposed 71 units.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

BURLINGTON

Exterior Wharf Line

PEARL ST

PENN ST

UNION ST

BARCLAY ST

BROAD ST

EARL ST

WILLIAM ST

AScutaw Creek

Block Limit

101 344th Ave

Sheet 33

Sheet 34

Sheet 37

Sheet 46

5 H E E T

13. Neighborhood Stabilization Compliance Documentation

MARKET TO AFFORDABLE PROGRAM (N.J.A.C. 5:97-6.9)

General Description

Municipality/County: Burlington City, Burlington County

Affordable Units Proposed: 10

Family Rentals: 0

Low-Income: 0

Moderate-Income: 0

Age-Restricted Rentals: 0

Low-Income: 0

Moderate-Income: 0

Family For-Sale: 10

Low-Income: 5

Moderate-Income: 5

Age-Restricted For-Sale: 0

Low-Income: 0

Moderate-Income: 0

Average expenditure:

For each low-income unit: \$ 98,000

For each moderate-income unit: \$ 98,000

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 0

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 0

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: 0

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)

- ☒ Demonstration that there are sufficient market-rate units within the municipality on the multiple listing service for a viable program
- ☒ Estimate of the amount required to subsidize typical for-sale and/or rental units including any anticipated rehabilitation costs
- ☒ Documentation of funding sources
- ☒ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☒ Spending plan including the details to implement this program

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ Affirmative Marketing Plan in accordance with UHAC

Market to Affordable Narrative Section

The City will apply for Neighborhood Stabilization funds for this program. Documentation demonstrating that Burlington City is eligible to participate in this program is attached. The program guidelines are also attached.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

Census Tract and Blocks

Census Tract	Census Block	Census Group	County Subdivision / Municipality Name	County	Entitlement Community Name	AMI Eligible	HUD Risk Score	MVA Eligible (50-135)	Index of Subprime Lending and Delinquency	NPP/RTC AREA	Subprime Percent Current (6/07)	Subprime Percent Non-Current (6/08)
01500	2		Atlantic City city	Atlantic	ATLANTIC CITY	YES	9	0	2.00	0.90 NO	17.87%	36.36%
01500	1		Bloomfield twp	Essex	BLOOMFIELD	YES	10	0	2.00	0.80 NO	21.01%	34.39%
01500	2		Bloomfield twp	Essex	BLOOMFIELD	YES	10	0	2.00	0.80 NO	21.01%	34.39%
02000	1		Bridgeton city	Cumberland	BRIDGETON	YES	10	0	2.00	0.82 NO	23.66%	36.05%
02000	1		Bridgeton city	Cumberland	BRIDGETON	YES	10	0	2.00	0.89 NO	23.66%	36.05%
01100	3		Buena boro	Atlantic	ATLANTIC COUNTY	YES	8	0	2.00	1.17 NO	50.00%	58.33%
01102	4		Buena Vista twp	Atlantic	ATLANTIC COUNTY	YES	9	0	2.00	0.82 NO	26.09%	42.11%
701204	1		Burlington city	Burlington	NJ STATE PROGRAM	YES	10	0	2.00	0.87 NO	28.20%	38.41%
701000	2		Camden city	Camden	CAMDEN	YES	9	0	2.00	0.86 NO	28.54%	31.43%
003900	9		Carteret boro	Middlesex	MIDDLESEX COUNTY	YES	8	0	2.00	0.83 NO	22.12%	37.17%
018100	2		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.95 NO	28.19%	42.85%
018200	1		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.93 NO	26.19%	42.85%
018200	2		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.93 NO	26.19%	42.85%
018200	3		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.93 NO	26.19%	42.85%
018200	4		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.93 NO	26.19%	42.85%
018300	1		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.93 NO	26.19%	42.85%
018300	2		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.99 NO	26.19%	42.85%
018300	3		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.99 NO	26.19%	42.85%
018400	2		City of Orange twp	Essex	ESSEX COUNTY	YES	10	0	2.00	1.02 NO	26.19%	42.85%
018600	1		City of Orange twp	Essex	ESSEX COUNTY	YES	10	0	2.00	1.00 NO	26.19%	42.85%
018600	3		City of Orange twp	Essex	ESSEX COUNTY	YES	10	0	2.00	1.00 NO	26.19%	42.85%
018600	4		City of Orange twp	Essex	ESSEX COUNTY	YES	10	0	2.00	1.00 NO	26.19%	42.85%
018600	5		City of Orange twp	Essex	ESSEX COUNTY	YES	10	0	2.00	1.00 NO	26.19%	42.85%
018700	4		City of Orange twp	Essex	ESSEX COUNTY	YES	10	1	3.00	1.00 NO	26.19%	42.85%
018900	1		City of Orange twp	Essex	ESSEX COUNTY	YES	8	1	3.00	0.93 NO	26.19%	42.85%
018900	2		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.96 NO	26.19%	42.85%
018900	3		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.96 NO	26.19%	42.85%
018900	4		City of Orange twp	Essex	ESSEX COUNTY	YES	9	1	3.00	0.96 NO	26.19%	42.85%
608600	1		Clementon boro	Camden	CAMDEN COUNTY	YES	5	1	3.00	0.96 NO	26.19%	42.85%
608600	2		Clementon boro	Camden	CAMDEN COUNTY	YES	9	0	2.00	0.80 NO	25.74%	38.33%
608600	3		Clementon boro	Camden	CAMDEN COUNTY	YES	9	0	2.00	0.80 NO	25.74%	38.33%
608600	4		Commercial twp	Cumberland	NJ STATE PROGRAM	YES	10	0	2.00	0.90 NO	23.33%	46.67%
010200	3		Commercial twp	Cumberland	NJ STATE PROGRAM	YES	10	0	2.00	0.90 NO	23.33%	46.67%
010200	4		Commercial twp	Cumberland	NJ STATE PROGRAM	YES	10	0	2.00	0.90 NO	23.33%	46.67%

Neighborhood Stabilization Program (NSP) Guidelines

Summary:

The NSP will provide funds to municipalities and for-profit/nonprofit developers to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight in targeted areas. The State's goal is to stabilize neighborhoods where a rise in foreclosures is contributing significantly to declining home values and property deterioration. NSP funds will be prioritized where the remedies provided for under NSP have a good probability of stabilizing the local housing market.

Eligible applicants:

- Local units of government, including CDBG entitlements and Small Cities jurisdictions; and
- Nonprofit and for-profit developers that demonstrate strong financial and organizational capacity, and development experience.

Eligible Activities:

- Acquisition of foreclosed and abandoned housing units;
- Rehabilitation of housing units in order to sell or rent such units to households at or below 120 percent of Area Median Income(AMI);
- Demolition of blighted structures;
- New construction of housing for projects involving the redevelopment of demolished or vacant properties;
- Redevelopment of acquired property for non-residential uses, including public parks, commercial uses, or mixed residential and commercial use; and
- Establishment of a land bank for homes that have been foreclosed on.

Income Eligibility:

NSP funds must be utilized for activities that benefit individuals/households with incomes at 120% or less of the AMI.

120 percent of AMI income limits are as follows:

NEIGHBORHOOD STABILIZATION PROGRAM 120 PERCENT INCOME LIMITS

COUNTY	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Atlantic	\$54,750	\$62,600	\$70,400	\$78,250	\$84,500	\$90,750	\$97,000	\$103,300
Bergen, Passaic	\$73,500	\$84,000	\$94,500	\$105,000	\$113,400	\$121,800	\$130,200	\$138,600
Camden, Burlington, Gloucester, Salem	\$62,400	\$71,350	\$80,250	\$89,150	\$96,300	\$103,450	\$110,550	\$117,700
Cumberland	\$49,300	\$56,350	\$63,400	\$70,450	\$76,100	\$81,700	\$87,350	\$93,000
Essex, Morris, Sussex, Union, Warren	\$70,900	\$81,000	\$91,150	\$101,300	\$109,400	\$117,500	\$125,600	\$133,700
Hudson	\$58,400	\$66,700	\$75,050	\$83,400	\$90,050	\$96,750	\$103,400	\$110,100
Hunterdon, Middlesex, Somerset	\$81,250	\$92,850	\$104,450	\$116,050	\$125,300	\$134,600	\$143,900	\$153,150
Mercer	\$71,750	\$82,000	\$92,250	\$102,500	\$110,700	\$118,900	\$127,100	\$135,250
Monmouth, Ocean	\$71,400	\$81,600	\$91,800	\$102,000	\$110,150	\$118,300	\$126,500	\$134,650
Warren	\$69,950	\$79,950	\$89,950	\$99,950	\$107,950	\$115,950	\$123,950	\$131,950

Please note that these income limits are expected to change in February 2009.

Low Income Targeting:

The State has set-aside \$12.86 million in NSP funds, 25% of its allocation, for the purchase and redevelopment of abandoned or foreclosed upon units to create housing for households earning up to 50 percent of area median income. These funds can be used to create either affordable rental or homeownership units.

The applicant is required to show how, at a minimum this 25% requirement will be met.

50 percent of AMI limits are as follows:

NEIGHBORHOOD STABILIZATION PROGRAM 50 PERCENT INCOME LIMITS

COUNTY	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Atlantic	\$22,800	\$26,100	\$29,350	\$32,600	\$35,200	\$37,800	\$40,400	\$43,050
Bergen, Passaic	\$30,650	\$35,000	\$39,400	\$43,750	\$47,250	\$50,750	\$54,250	\$57,750
Camden, Burlington, Gloucester, Salem	\$26,000	\$29,700	\$33,450	\$37,150	\$40,100	\$43,100	\$46,050	\$49,050
Cumberland	\$20,550	\$23,500	\$26,400	\$29,350	\$31,700	\$34,050	\$36,400	\$38,750
Essex, Morris, Sussex, Union, Warren	\$29,550	\$33,750	\$38,000	\$42,200	\$45,600	\$48,950	\$52,350	\$55,700
Hudson	\$24,350	\$27,800	\$31,300	\$34,750	\$37,550	\$40,300	\$43,100	\$45,850
Hunterdon, Middlesex, Somerset	\$33,850	\$38,700	\$43,500	\$48,350	\$52,200	\$56,100	\$59,950	\$63,800
Mercer	\$29,900	\$34,150	\$38,450	\$42,700	\$46,100	\$49,550	\$52,950	\$56,350
Monmouth, Ocean	\$29,750	\$34,000	\$38,250	\$42,500	\$45,900	\$49,300	\$52,700	\$56,100
Warren	\$28,150	\$33,300	\$37,500	\$41,650	\$45,000	\$48,300	\$51,650	\$55,000

Please note that these income limits are expected to change in February 2009.

Assurance of Continued Affordability

All units assisted with NSP funds will be subject to the following **minimum** affordability restrictions. Restrictions must be contained in a security instrument filed against the property in a form acceptable to the Department.

Rental Housing NSP amount per-unit	Minimum period of affordability in years
Rehabilitation or acquisition of existing housing Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000	15
New Construction	20

Homeownership NSP amount per-unit	Minimum period of affordability in years
Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000	15

Eligible Neighborhoods/Target Areas:

A neighborhood for this initiative is defined as a geographic area with clearly delineated boundaries. The NSP neighborhood may contain one or more contiguous census tracts or portions thereof in one municipality or contiguous census tracts in adjoining municipalities that share similar physical, economic and social characteristics.

For neighborhoods containing contiguous census tracts in adjoining municipalities, a Municipal Resolution is required from all Municipalities.

NSP funds will be directed to revitalize housing markets that have been disrupted by the fallout from subprime lending practices. These areas are identified as those hard hit by foreclosures and which are statistically at high risk of continued market deterioration but otherwise have attributes that will help ameliorate the impact of the foreclosures. The State's priority is to focus on neighborhoods with existing community planning infrastructure and relevant low-income assistance programs. These neighborhoods include those that:

1. Are participating in the State's Neighborhood Preservation Program;
2. Have plans and private investment through the Neighborhood Revitalization Tax Credit;
3. Have ongoing CDBG investment;
4. Have been targeted for other state, county or local investment or where other state or local investments are ongoing.

5. Have local availability of foreclosure prevention programs such as Legal Services of New Jersey (providing legal representation and anti-predatory lending efforts), HMFA's Mortgage Assistance Program (foreclosure counseling services through HUD certified counselors) and other community based assistance.

The list of target areas is available in the NSP Action Plan which is posted on the Department of Community Affairs' web site at:
<http://www.nj.gov/dca/dh/>

Please note: the Department will consider applications to assist non-targeted areas if the applicant can justify the effectiveness of the investment based on the State's priorities and on the HUD regulations.

Maximum Per-Unit Subsidy Amount:

The total amount of NSP funds that may be invested per-unit may not exceed the following limitations:

NSP MAXIMUM PER UNIT SUBSIDY					
COUNTY	0 BR	1 BR	2 BR	3 BR	4 BR
Atlantic	\$134,776	\$154,495	\$187,866	\$243,037	\$266,781
Bergen	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Burlington	\$134,776	\$154,495	\$187,866	\$243,037	\$266,781
Camden	\$134,776	\$154,495	\$187,866	\$243,037	\$266,781
Cape May	\$134,776	\$154,495	\$187,866	\$243,037	\$266,781
Cumberland	\$134,776	\$154,495	\$187,866	\$243,037	\$266,781
Essex	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Gloucester	\$134,776	\$154,495	\$187,866	\$243,037	\$266,781
Hudson	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Hunterdon	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Mercer	\$134,776	\$154,495	\$187,866	\$243,037	\$266,781
Middlesex	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Monmouth	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Morris	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Ocean	\$134,776	\$154,495	\$187,866	\$243,037	\$266,781
Passaic	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Salem	\$134,776	\$154,495	\$187,866	\$243,037	\$266,781
Somerset	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Sussex	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Union	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814
Warren	\$137,319	\$157,410	\$191,411	\$247,622	\$271,814

Maximum NSP Award:

\$2.5 million per neighborhood

\$5 million per municipality (*please note that the maximum neighborhoods per municipality is 3*).

\$6 million per HOME and CDBG Consortia (maximum of 2 awards)

DCA reserves the right to increase the maximum award depending upon funding availability.

NSP Definitions:

Abandoned: a home is considered abandoned when mortgage or tax proceedings have been initiated, no mortgage or tax payments have been made by the owner for at least 90 days and the property has been vacant for at least 90 days.

Affordable Rent: the tenant may not pay more than 30 percent of their household's adjusted monthly income towards rent and utilities.

Blighted: a structure is considered blighted when it displays objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety and public welfare. Under New Jersey Law, a municipality may exercise its police power to take appropriate action to remediate a property if the property is "unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such building or buildings, or part thereof, unsafe or insanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of said municipality..." N.J.S.A. 40:48-2.3.

Consortia: contiguous units of general local governments approved by HUD for participation in CDBG or HOME programs.

Current market appraised value: value of foreclosed upon residential property established through an appraisal completed within 60 days prior to an offer made by a municipal grantee or for-profit/nonprofit developer.

In order to meet the federal requirement that the average purchase price of all housing units acquired equals 10% -15% below appraised value, all properties purchased with NSP funds will be priced at least 10% below current appraised value.

Foreclosed: a property has been foreclosed upon at the point that, under state or local law, the mortgage or tax foreclosure is complete.

Housing Rehabilitation Standards: the NSP will utilize the Uniform Construction Rehabilitation Subcode for the rehabilitation of existing housing units.

Land Bank: a governmental or nonprofit entity established to purchase abandoned and foreclosed housing units in a geographic area. The Land Bank must obligate the properties for a specific redevelopment activity within 10 years.

Neighborhood: a defined geographic area with clearly delineated boundaries. The NSP neighborhood may contain one or more contiguous census tracts or portions thereof in one municipality or contiguous census tracts in adjoining municipalities that share similar physical, economic and social characteristics.

Project: a property or multiple properties located within a single neighborhood with one or more eligible NSP activities.

Sale of Homes: the sales price of the housing units purchased, rehabilitated and sold for a primary residence cannot exceed the cost of acquiring and rehabilitating the property.

Deadline for Submission of Application

Applications must be submitted electronically in SAGE by end of business on February 6, 2009. Hard copy attachments must be postmarked no later than February 6, 2009.

Evaluation of Proposals

Applications will be subject to a threshold review to determine eligibility for the NSP. The initial NSP threshold criteria include:

1. Application Completeness
2. Eligible applicant
3. Eligible neighborhood
4. Eligible activity(s)
5. Eligible income distribution

Applications that do not meet the threshold requirements will be deemed ineligible for further consideration.

Eligible applications will be reviewed by staff from DCA and HMFA. Applications will receive a maximum of **100 points** scored under the following categories:

Applicant Capacity (20 Points)

Proven record of development and/or redevelopment experience with comparable activities in similar neighborhoods; good standing with DCA and HMFA.

- Has an existing community development office/entity
- Have adequate staffing levels w/ appropriate skills/qualifications
- Has relevant real estate and rehabilitation experience
- Submitted project w/ accurate estimated cost/ schedule

Readiness to Proceed (20 points)

Ability to implement program activities within 30-45 days of commitment of funds and obligate all funds through contractual agreements within 12 months of commitment.

- List of properties that meet program eligibility requirements
- Cost estimates for acquisition and rehabilitation
- Gap financing/leveraged funds secured to complete project(s)
- *Required Federal Compliance Items*
 - Citizen Participation
 - Fair Housing Resolution
 - Grant Management Plan
 - Environment Review Record
 - Lead-Based Paint

Municipal Participation (10 points)

Level of municipal involvement in resolving the issues contributing to the destabilization of the neighborhood. Identify the services and activities the municipality provides that address neighborhood needs. Describe how the NSP project will contribute to the revitalization of the neighborhood. Describe the role of the municipality in the development and implementation of the NSP project

Low income benefit (10 points)

A minimum of 25% of NSP funds must assist individuals/households with incomes at 50% or less of AMI. Identify the low income benefit as the percent of NSP funds.

25%	(1 point)	_____
26-50%	(5 points)	_____
51-75%	(7 points)	_____
76%+	(10 points)	_____

Neighborhood Plan (15 points)

Existing community plan that addresses the neighborhood needs with programs and financial assistance in place including foreclosure prevention initiatives. Explain how the proposed NSP activities will meet existing action plan goals and objectives:

Neighborhood Revitalization Plan	
NPP	_____
NRTC	_____
Local Redevelopment Plan	_____
CDBG Consolidated Plan	_____
Other	_____

Partnership(s) (15 points)

Active partnerships with municipality, lenders, for-profit/non-profit developers, community-based organizations.

Identify potential developers	_____
List of lenders participating in the program	_____
List of community groups participating in program	_____
List of stake holders participating in NSP planning	_____

Leveraged Funds (10 points)

A minimum match of 25% of the requested NSP funds is required. Points will be awarded for financial commitments that exceed the threshold requirement.

HMFA Financing	_____
Other State funds	_____
Municipal Funds	_____
Other	_____

Affordability Controls (up to 10 Bonus Points)

Projects that provide longer affordability controls will be given up to 10 bonus points

21- 30 years (5 bonus points)	_____
31- 45 years (10 bonus points)	_____

15. Municipal Housing Liaison Resolution

Burlington City, Burlington County

WHEREAS, the Governing Body of the City of Burlington petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 18, 2008; and

WHEREAS, Burlington City's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., Burlington City is required to appoint a Municipal Housing Liaison for the administration of Burlington City's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, Burlington City has amended Chapter *[insert number]* entitled *[insert title of Chapter in Code]* to provide for the appointment of a Municipal Housing Liaison to administer Burlington City's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Burlington City in the County of Burlington, and the State of New Jersey that **William Jenkins** is hereby appointed by the Governing Body of Burlington City as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections *[insert numbers]* of Burlington City's *[insert name of code]* Code.

Cindy Crivaro
Municipal Clerk

16. Resolution of Intent to Bond



City of Burlington

525 High Street, Burlington, New Jersey 08016-4503
 telephone: (609) 386-0200 fax: (609) 386-0214
 www.burlingtonNJ.us

Resolution No. 280-2008

December 18, 2008

The Common Council of the City of Burlington, hereby agrees to fund any shortfall in its affordable housing program that may arise.

RECORD VOTE OF COUNCIL OF FINAL PASSAGE													
	M	S	Y	N	N V	A B		M	S	Y	N	N V	A B
Babula			✓				Van Loan		✓	✓			
Hatala			✓				Woodard	✓		✓			
Lollar			✓				Ghaul			✓			
Mercuri			✓										

THIS IS TO CERTIFY that this is a true and compared copy of a resolution adopted by Common Council of the City of Burlington on December 18, 2008.

Cindy A. Crivaro
 Cindy A. Crivaro, RMC
 Municipal Clerk

 Patricia E. Tocci
 Deputy Municipal Clerk

Resolution No. 280-2008 by Common Council of the
City of Burlington of Intent to Bond for Shortfall

WHEREAS, the City of Burlington in Burlington County has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted housing element and fair share plan; and

WHEREAS, COAH has determined that the City of Burlington must allocate funds to meet the actual growth amount generated by future development and existing rehabilitation need; and

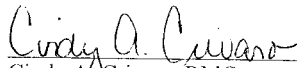
WHEREAS, the City of Burlington anticipates that funding will come from the following sources to satisfy said obligation: the designated redeveloper of the Mansions site, and the historic Yorkshire Redevelopment Area; non-profit developers such as Habitat for Humanity and MEND and funds from the Department of Community Affairs Small Cities and Neighborhood Stabilization Programs.

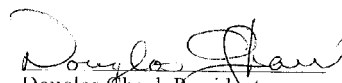
WHEREAS, in the event that the above funding sources prove inadequate to meet the City of Burlington's funding obligation, the City of Burlington shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Burlington in Burlington County, State of New Jersey, that the governing body does hereby agree to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that said shortfall shall be funded by bonding if there are no other resources.

ATTEST:


Cindy A. Crivaro, RMC
Municipal Clerk


Douglas Chaul, President
Common Council

December 18, 2008